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ABSTRACT

Prepared by the District of Columbia Street Law Project for its annual city-wide mock trial competition, this instructional handout provides material for the hearing of a custody dispute. Martha Winstead petitions the court to order the Church of the New Family to turn over her 18-year-old son, Jeremiah, to her and to allow her custody. Jeremiah dropped out of college to move into the Church headquarters and to collect money for the Church at subway stations. The handout clarifies the laws and explains the legal precedents. As evidence, the handout provides Jeremiah's affidavit asserting that the Church had brainwashed him; a letter he sent to his mother requesting money; a synopsis of key principles of the Church; and witness statements from an expert in exploitative cults, a follower who left the Church, Martha Winstead, the Church leader, and Jeremiah. Through participation in mock trials and analysis of the activity, students gain an insider's perspective on courtroom procedure and a basic understanding of the legal mechanism through which society resolves its disputes. Mock trials develop critical analysis, questioning and listening skills, and skills in preparing and organizing materials. (JD)

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1978 MOCK TRIAL COMPETITION MATERIALS

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prepared for the Seventh Annual Citywide Mock Trial Competition sponsored by the Public Schools of the District of Columbia and the D.C. Project Street Law Program of Georgetown University Law Center

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MOCK TRIAL COMPETITION 1978

MARTHA WINSTEAD v. CHURCH OF THE NEW FAMILY AND ALBERT SMITH (AKA SOLOMON)

Statement of Facts

This case arises out of a petition for custody filed by Mrs. Martha Winstead asking the court to order the Church of the New Family and its leader, Solomon, to turn over her 18-year-old son, Jeremiah, to her. Mrs. Winstead claims that she should be named temporary custodian of her son, based on the claim that his mind and body are being controlled by the Church of the New Family, and the fact that D.C. law allows a custodian to be apppointed as follows:

*D.C. Statute § 2001: The court may appoint a custodian of the person of any adult person who by reason of illness, injury, hypnosis, mental weakness, or other causes, is unable properly to provide for his personal needs for physical health, food, clothing, or shelter, or who for these reasons is likely to be deceived or imposed upon by artful or designing persons.

It is not disputed that Jeremiah, during his first year of college at the University of the District of Columbia met members of the Church of the New Family and in November 1977 left home and moved into the headquarters of the "Church" at 737 Eads Street, N.E. He then worked every day in the city's subway stations selling flowers and collecting money for the "Church". During the time Jeremiah lived at the "Church" his weight dropped from 225 lbs. to 130 lbs.

Jeremiah talked to his mother only once by phone from November 1977 until January 1978 when he requested a meeting to receive money from his mother. Mrs. Winstead secured the services of a "deprogrammer," Rick Patterson, in order to get her son out of the "Church". At the meeting at a Hot Shoppes Restaurant, Patterson and two other men jumped Jeremiah and took him to the Capital Place Motel on New York Avenue. After three days, Jeremiah signed an affidavit agreeing never to go back to the Church and to live at home with his mother. Three days later, Jeremiah again met up with Solomon and other members of the "Church" at school and returned to the "Church" headquarters.

*This statute has been made up for the purpose of this mock trial but is based on an actual state statute.

Statement of Facts (con't)

A hearing has been scheduled in the Family Division of Superior Court to decide if Jeremiah should be ordered by the court to be placed in the custody of his mother.

WITNESSES

FOR THE PETITIONER

Mrs. Martha Winstead, Mother of Subject of the Petition
Mr. Rick Patterson, Deprogrammer
Mr. Oscar Todd

FOR THE RESPONDENT

Mr. Albert Smith (aka "Solomon" Leader of the Church of the New Family
Mr. Jeremiah Winstead (aka "Seth"), Subject of this Petition
Ms. Michelle Baker (aka "Ruth")

EXHIBITS

(1) Affidavit of Jeremiah Winstead
(2) Letter from Jeremiah Winstead to Mrs. Martha Winstead
(3) Synopsis of New Family Guide to Light and Truth
(4) Statements of all the witnesses

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

FAMILY DIVISION

MARTHA WINSTEAD Petitioner v. CHURCH OF THE NEW FAMILY and ALBERT SMITH (aka SOLOMON) Respondents	)	Civil Action No._____

STIPULATIONS

The following facts are stipulated to as between the parties:

(1) Martha Winstead was not present at the Capital Place Motel during the deprogramming sessions until the end of the third day when she brought Josh and Sarah to visit Jeremiah.

(2) Jeremiah left home to live with the New Family in November, 1977.

(3) On January 23, 1978, Jeremiah and Mrs. Winstead met at the New York Avenue Hot Shoppe. On that same date, Rick Patterson began the deprogramming sessions with Jeremiah at the Capitol Place Motel.

(4) On January 25, 1978, Jeremiah signed the affidavit which terminated the deprogramming sessions and went home.

(5) On January 28, 1978, Jeremiah returned to the Church of the New Family.

(6) All of the property referred to in Solomon's witness statement is listed in city records in SOlomon's name.

WITNESS FOR THE PETITIONER

RICK PATTERSON

My name is Rick Patterson. I am 34 years old, and I live with my wife and two young sons in Hyattsville. Though I have never had any formal training in psychiatry or psychology, I have worked as a religious deprogrammer since 1972. I have successfully deprogrammed 150 kids from 25 different religions (10 of them were from the Church of the New Family). I am able to make a good living at this (about $50,000 a year).

I know that the lawyers for the Church and for Jeremiah are going to be hollering "freedom of religion!" all during this case. Well, let me tell you, this Church of the New Family has nothing to do with religion---neither do all those other crooked groups, like Light of Dawn and Star World Trek and the others---they're all fronts for the money-making schemes of the real devils of our time. "Solomon" Smith, the Head Man of New Family, has built a personal fortune from the property he has collected from New Family members. The kids in these groups are young and easily brainwashed; they can't make free and intelligent decisions about their beliefs. Their lives are full of fear and intimidation. They work all day for him and in return get awful living conditions and little food. This combination of physical and mental fatigue, and isolation from communication, together with the fear-inducing messages like "Your mother is the devil; anyone who loves the devil will also become the devil," is like hypnotism or brainwashing of prisoners of war. (I know because I have studied this type of brainwashing.) The "leaders" spend their time enjoying the fruits of the kids' slavery and trying to figure out how to get money from the families (e.g., Solomon Smith has a hugh house in Northwest and considerable personal financial wealth.)

New Family, like all the other cults, gets to young people like Jeremiah and befriends them in places where they hang out---like the college campus. From the minute they get the kid's ear and eye, they start to manipulate, control, badger, entice, and plant doubt. For New Family, the big break comes when the kid agrees to go on the retreat weekend. What imaginative, adventuresome college kid from the city wouldn't take "a free weekend at a country estate in Maryland"? During this weekend an intensive mind-control process is completed.

In December of 1977, I was contacted by Mrs. Martha Winstead to rescue her son Jeremiah from New Family. Since the Winsteads live in D.C. and Mrs. Winstead is having a hard enough time supporting the family without the extra bit of income Jeremy used to provide, I agreed to take this case for free. (I will, however, use it as a case history in my upcoming book for Bell Publishing Co.)

On January 23, Mrs. Winstead met Jeremy at the Hot Shoppe on New York Avenue. Seeing Jeremy was quite a shock for her-- this once robust, 225 lb. football player, handsome youngster, reduced to a turban-headed 130 lb. bag of bones! Fortunately, this lady has true

composure, and she managed to carry out the plan in spite of the shock. She got Jeremy into her car at one point, and it was then that I and my staff moved in and took him to the Capital Place Motel for the deprogramming. Jeremy didn't struggle at all---he just went into a sort of trance and started humming. He acted that way for three days, seeming not to hear anything we were saying. He slept a little bit during this time and ate nothing, although food was always available to him. On the third day, Josh and Sarah, Mrs. Winstead 's other children came in, and that did it. Jeremy took one look at them and he seemed to snap right out of it. In about an hour after everyone had calmed down -- the moment of breaking tends to be quite emotional -- Jeremy announced he was "starving," so one of my staff went out for some 'burgers. Meanwhile, Jeremy and I went to see the manager of the motel, who is also a notary, so Jeremy could swear out his affidavit, giving instructions to us should the hypnotic pattern of New Family's control of him recur and force his return to the group. The protection of the affidavit is quite necessary because persons are not completely free even after deprogramming -- frequently they "float," re-entering a semi-trance state, in which they are highly susceptible to the threats of the cult, and likely to return to it if they're not stopped. This is what happened to Jeremy the day after the deprogramming -- he "floated", was confronted by the old threats of the Church's members and leader, and was kidnapped back to the New Family.

Jeremiah Winstead is currently incapable of exercising his free will while under the mind-control practices of the so-called Church of the New Family. Because of Jeremy's incapacity, his physical and emotional health are in grave danger. He should be ordered released from the Church immediately and ordered into the temporary custody of his mother, until he can again be in charge of his own free will.

Rick Patterson, being first duly sworn, upon his oath deposes and says:

That he is a witness for the petitioner in the action of Martha Winstead v. Church of the New Family and Albert Smith; that he has read the foregoing statement and knows the contents thereof; that the matters stated therein are true of his own knowledge, except as to those matters stated therein upon information and belief, and as to those matters he believes them to be true; and

FURTHER, that such contents were given freely and with his knowledge and consent in the presence and with the assistance of counsel.

_____
/s/ Rick Patterson

SUBSCRIBED AND SWORN to before me this _____day of _____ 19_____.

_____
Notary Public

My commission expires:

WITNESS FOR THE PETITIONER

Oscar Todd

My name is Oscar Todd. I live at 101 Kansas Ave., N.W. I am an apprentice mechanic at Sunny's Service Center on New Hampshire Avenue.

Though I don't personally know Jeremiah Winstead, in August, 1977 I became involved with the New Family. Some of his followers met me at U.D.C. and convinced me to on that retreat weekend.

The retreat was in some old abandoned farmhouse in Maryland. It was guarded by some big, tough-looking guys with dogs. We were pretty much held captive, and not allowed to sleep or eat much. We had to listen to this guy Solomon ranting and raving about the evil world. (Actually, I did and still do agree with some of his ideas.) Somehow, I was totally taken up with this whole business and I stayed on with the New Family.

In the New Family, our routine was generally work---begging on the streets-----from 7 a.m. until 9 p.m. Then back to the house for lectures, study and meditation until 2 a.m. Then a little sleep; somewhere, in-between, a light, non-nutritional meal. We had no time to sleep, to relax, to think for ourselves. I was always exhausted, hungry, and frequently, in the winter, very cold.

In October, my parents hired a deprogrammer named Michaels and one day I was taken by force from a Metro station and placed in a motel for 5 days. On the fifth day, I came to my senses and agreed to leave the group. I signed an affidavit agreeing never to go back and I am very happy that I did. I think every member of the Church should get that chance.

I've recently seen the house Solomon has in upper Northwest---boy, was I mad when I saw that! We always were told by other members of the Church that he had a small room in the attic of the Eads Street house! I hear he lives with a woman too-that's against the Church's rules.

OSCAR TODD, being first duly sworn, upon his oath deposes and says:

That he is a witness for the petitioner in the action of Winstead v. Church of the New Family; that he has read the foregoing statement and knows the contents thereof; that the matters stated therein upon information and belief, and as to those matters he believes them to be true; and

FURTHER, that such contents were given freely and with his knowledge and consent in the presence and with the assistance of counsel.

_____
/s/ Oscar Todd

SUBSCRIBED AND SWORN to before me this _____day of _____ 19_____.

My commission expires:

_____
Notary Public

WITNESS FOR THE PETITIONER

MARTHA WINSTEAD

My name is Martha Winstead. I live at 1399 Lawrence St., N.E. I have three children, Jeremiah, 18, Josh, 13, and Sarah, 8. My husband, Samuel, died of a heart attack in 1970. I work as a clerk with the Department of Transportation.

Jeremy always was a good son to me, taking care of the younger children, doing his chores. When his father died, Jeremy was a great strength to me. He really tried to fill his father's shoes in so many ways; he felt a lot of responsibility toward Josh and Sarah, helping them with their school work, checking out their friends. Jeremy was always a big, strong boy-- he was a linebacker on his high school football team-- and when he was 15 he was able to pass for being old enough to get a job at McDonald's. He worked nights and weekends in high school, and always turned his earnings over to me to help with family expenses.

After high school, Jeremy enrolled at the University of the District of Columbia. During the second week he was there, he started acting strange, coming home late, not telling me where he was. I figured it was all part of becoming a "college kid", so I didn't pay much attention. One day, he told me he was going to spend the weekend with some friends down in Maryland. I was surprised because he'd promised Josh and Sarah that he'd take them to Philadelphia to visit their favorite Uncle George that weekend, and they were really disappointed.

I began to get worried when he didn't come home Sunday night. On Monday, the phone rang about 6:00 a.m. It was Jeremy, but he sounded really funny. He said that he wasn't coming home, ever, but that he'd be back in touch when he reached the mountain top. He slammed the phone down. I was pretty frantic and called the police. Some officers came over, but weren't very helpful. They said they would file a missing persons report, but that was about it.

For two months, I didn't hear a word from or about Jeremy -- I tried to get help to find him but had no luck. His boss at McDonald's called me and said that Jeremy called him and said that he "would no longer make money for anyone but his leader." I have been barely able to pay the bills without Jeremy's money coming in. Jeremy had always told me he would continue to help out. I don't understand it.

One Saturday in late November, Josh came home all upset. He'd seen Jeremy---selling flowers and begging for money in the Metro Center. Jeremy saw Josh, too, and began to shout things at him like "Come with me, son of Satan; be saved " and stuff like that. Josh tried to talk to him, but Jeremy only said to him "Give me your subway money and leave your home, boy; parents are devils; join the New Family."

In December, my supervisor at work told me about this man, Rick Patterson, who helps to get kids away from these groups. I got in touch with Patterson, and he agreed to help. He didn't take long to figure out that Jeremy was with the Church of the New Family-- apparently they had recently victimized a number of kids at U.D.C. After this, I wrote Jeremy many letters at the New Family headquarters but I'm sure they never gave them to him.

In January, I got a letter from Jeremy demanding money. The letter was really strange; I don't think he wrote it. Rick said that was a perfect opening. I followed Jeremy's instructions for getting in touch with him, and I set up a meeting at the New York Avenue Hot Shoppe. I almost went out of my mind when I saw Jeremy that day! His head was all wrapped in a turban and he was so thin! His eyes no longer sparkled. He did not address me by name. He told me that his name was Seth, not Jeremiah. But as we talked, I could see that he was beginning to feel sorry that he had left us. Oh, it was awful! It was there that Rick and his helpers took Jeremy and got him over to the Capital Place Motel where they began to deprogram and rehabilitate him.

I was there when Jeremy broke--after three days. It happened when Josh and Sarah came in. Jeremy just collapsed and started crying and hugging them and me and asking for our forgiveness. He told us that at the "Church" they were only allowed to eat a little soup and bread each day, and that he felt very weak. He said that Solomon might kidnap him again and that we shouldn't let them do it. After he calmed down, he signed the affidavit saying the Church had held him against his will and authorizing us to come get him if it ever happened again.

He went back to the Church only because they kidnapped him and polluted his mind with fear. For someone with such a fine mind to act this way---they really have him under a spell!

As his mother, I will always have a responsibility to care for my son. I want him returned to my legal custody so that he can recover from this experience and have some time to make up his own mind about the life he wants to lead.

MARTHA WINSTEAD, being first duly sworn, upon her oath deposes and says:

That she is a witness for the petitioner in the action of Winstead v. Church of the New Family; that she has read the foregoing statement and knows the contents thereof; that the matters stated therein are true of her won knowledge, except as to those matters stated therein upon information and belief, and as to those matters she believes them to be true; and

FURTHER, that such contents were given freely and with her knowledge knowledge and consent in the presence and with the assistance of counsel.

_____
/s/ Martha Winstead

SUBSCRIBED AND SWORN to before me this _____day of _____ 19_____.

_____
Notary Public

My commission expires

WITNESS FOR THE RESPONDENT

ALBERT SMITH
aka SOLOMON

My name is Solomon. I was once called Albert Smith. I am thirty-three years old and the Father of the New Family. My sons and daughters and I have our temporal house at 737 Eads St., N.E. This is a simple house which cost us only $35,000.

Last September, we were happy to receive a new child into our family. At that time, he called himself Jeremiah Winstead. In our family, he is called Seth. Seth saw the Light last November. He came of his own free will to our monthly retreat weekend for new children. No one is ever forced to come, or to stay. They come because they see the Light.

Seth has been repeatedly badgered and harrassed by this woman, Ms. Winstead and the devil incarnate Patterson. At one point, they blatantly kidnapped my child and made him suffer without food or sleep for three days while they made him listen to an unending stream of babble attacking the New Family. Parents and deprogrammers are the ones who try to brainwash our children to abandon their beliefs. Fortunately, I train my children to handle such matters, and Seth pretended to be "deprogrammed" so he could escape from their bondage.

The Church of the New Family is a nonprofit spiritual organization founded because of the necessity of getting away from the evil material and physical desires of this world in order to begin to find the true meaning of life. Our beliefs are based on the truth that is revealed to all spiritual people. We believe that the purpose of each person's life is to achieve spiritual oneness with every other person, but this can only by achieved by strict discipline and fasting, denial of all personal desires, and no communication with the outside, unless it is absolutely necessary. We are working now toward the day when all people will achieve this spiritual unity; only then will the world know peace and discover the meaning of salvation.

The devil acts through many persons in the world today to thwart our mission. The Washington Post reports, without correct interpretation that I "really live with a 20-year-old woman who is not a member of the religion in a $250,000 mansion at 5055 Foxhall Road, N.W., which family members don't even know exists" and which is "financed mostly by donations gained by trickery and the slave labor of tne New Family 'children'. Solomon also has other extensive commercial holdings including two restaurants, a drycleaners, an apartment building and a vacation home in the Caribbean." Obviously, the Post only talked to the devil Patterson. Yes, I own the house on Foxhall Road which is a fitting and necessary place of retreat and prayer for the Father of the New Family. It does not begin to compare with the lavish estates of other religious groups in this area. All my property is only for the good of the New Family.

My children are kidnapped, harrassed, taunted as they go about their daily work of preaching and collecting donations. Truly, there is no real freedom of religion in this country except for the powerful political churches.

Seth, formerly known as Jeremiah Winstead, must not be forced to leave the Church and reunite with this woman who claims to be his mother. She is his physical mother and a vessel of the devil.

I know Seth's inmost consciousness. Before finding the New Family, Seth was coerced into making money for no reason but to support his physical family and materialism. He dated girls and cared only of earthly desires. Now, I have communicated with Seth and he is a honest loving person--- a True Believer.

SOLOMON, being first duly sworn, upon his oath deposes and says:

That he is a witness for the respondent in the action of Winstead v. Church of the New Family; that he has read the foregoing statement and knows the contents thereof; that the matters stated therein are true of his own knowledge, except as to those matters stated therein upon information and belief, and as to those matters he believes them to be true; and

FURTHER, that such contents were given freely and with his knowledge and consent in the presence and with the assistance of counsel.

_____
/s/ Solomon

SUBSCRIBED AND SWORN to before me this ____day of _____ 19___.

_____
Notary Public

My commission expires:

WITNESS FOR THE RESPONDENT

JEREMIAH WINSTEAD
aka SETH

My name is Seth. Once I was called Jeremiah Winstead, but I have forsaken all identity with my prior evil life. I am a member of the Church of the New Family, and I live with my brothers and sisters at 737 Eads St., N.E.

I am 18 years old, which means that the corrupt, devil-inspired laws of the temporal world can no longer force me to be with my physical mother and to act against my will. I have the right to believe what I want, and to live in the way my conscience tells me I must.

I am of sound mind, I know what I am doing, and I do not want to return to my evil physical mother and her other sin children. The only way they can be saved is to join us. Solomon has taught me why this must be; the Truth, as it is revealed to Father Solomon, says that we must hate our physical family and leave them, in order to climb the path to salvation.

The evil one who claims to be my mother had control over my life for my first 18 years. That woman would force me to go each Sunday to church services-- no one ever tried to rescue me from that! Oh, no, if you belong to the "right" church, then your beliefs are protected. That's precisely why the Church of the New Family struggles against the major religious establishments. They're not religions at all, but fronts for the political power and personal wealth of their leaders. Talk about mind control!

I used to be brainwashed into going to school, eating and drinking, supporting my family. I no longer can do this. Only the New Family deserves my money. All I earn, which is close to $300 a week in the Metro Stations, goes to Solomon. I must also grab Josh and bring him into the life of the New Family.

To force me to return to that woman would condemn me to eternal misery. I would have no hope of salvation. You see, I must be with the New Family at all times in order to maintain the spiritual oneness. I must not communicate with the evil world outside and I therefore have agreed to receive no mail or phone calls from the outside.

On January 12, 1978 I was kidnapped by Rich Patterson, in conspiracy with this woman who claims to be my mother. I was held captive for three days in a stuffy motel room. They talked to me without a stop- I wasn't allowed to sleep; the only food they offered me was of the type forbidden by Solomon, so I could not eat. They kept trying to force me to denounce my beliefs.

Contrary to what Mr. Patterson preaches, I have not been brainwashed or hypnotized. And I cannot be "deprogrammed." His deprogramming method is actually the brainwashing of people away from their true beliefs. I don't think I knew what I was doing when I signed

that paper. After this, I went back to U.D.C. and three days later met up with some of the Church's followers who, even though I didn't want to go, put me in a car and drove to the Maryland retreat for another intensive session like the first time. After this, I knew I had no choice but the New Family.

SETH, being first duly sworn, upon his oath deposes and says:

That he is a witness for the respondent in the action of Winstead v. Church of the New Family; that he has read the foregoing statement and knows the contents thereof; that the matters stated therein are true of his own knowledge, except as to those matters stated therein upon information and belief, and as to those matters he believes them to be true; and

FURTHER, that such contents were given freely and with his knowledge and consent in the presence and with the assistance of counsel.

_____
/s/ Seth

SUBSCRIBED AND SWORN to before me this_____day of_____ 19_____

_____
Notary Public

My commission expires:

WITNESS FOR THE RESPONDENT

Michelle Baker
AKA Ruth

My name is Ruth. I am a child of Solomon in the Church of the New Family. My former identity as Michelle Baker no longer exists. I am 27 years old.

Though I don't personally know Jeremiah Winstead, I have belonged to the New Family since March 1976. At that time I was a second year law student. In my prior evil life I was, by the world's standards, something of a success, and headed toward a "good" life. But I was not happy. The sins of pride, greed, and pleasures of the world were strangling my life.

Solomon saved me. I went on one of the New Family retreat weekends, just for the fun of it. As I listened to Solomon's words that weekend, and experienced his fatherly discipline, I felt a peace and happiness I had never known before.

For over a year I gladly performed my humble work for the New Family in Washington and lived at the Eads Street house. The money we collected by seeking donations from the public pays for our necessities of life, which were simple. Our days were spent in study and prayer, and working to spead the truths of the New Family to all people. Since September, I have lived at the New Family's house in Baltimore.

I believe in Solomon and the New Family. I believe that our work for the spiritual unity of all people is the way of mankind's salvation. I would sacrifice everything I have for the sake of the New Family.

Ruth, being first duly sworn, upon her oath deposes and says:

That she is a witness for the respondent in the action of Winstead v. Church of the New Family; that she has read the foregoing statement and knows the contents thereof; that the matters stated therein are true of her own knowledge, except as to those matters stated therein upon information and belief, and as to those matters she believes them to be true; and

FURTHER, that such contents were given freely and with her knowledge and consent in the presence and with the assistnace of counsel.

_____
/s/ Ruth

SUBSCRIBED AND SWORN to before me this ___ day of _____.

_____
Notary Public

My Commission expires:

AFFIDAVIT OF JEREMIAH WINSTEAD

I, Jeremiah Winstead, 18 years old, reside at 1399 Lawrence St., N.E. I was enrolled at the University of the District of Columbia as a Freshman when I became involved in the Church of the New Family. As a result of this Church's brainwashing and mind control, I became a slave to the church, and unable to use my free will completely.

On January 25, 1978, I was rescued by my mother and deprogrammed by Rick Patterson. For the first time in five months I am able to think for myself and to rationalize on my own. I love my family and am interested in mankind. I once again feel like a useful member of society.

If in any event the Church of the New Family or any other sect or cult psychologically or physically kidnap me back, I am requesting immediate action by the authorities to come and physically remove me from this cult, as, regardless of what I may say or do, I will not be actiong on my own free will

Signed Jeremiah Winstead

Dated 1-25-78

PERSONALLY APPEARED BEFORE ME, A NOTARY PUBLIC Jeremiah Winstead Who declared under oath that the foregoing statement was made under his own free act and deed, acknowledged the same to me.

Marshall Stewart
Notary Public

CHURCH OF THE NEW FAMILY

737 Eads Street, N.E.
Washington, D.C.

January 10, 1978

Dear Mom,

I miss you very much but I must help the family. They need money to pay for my room and board so that we can have enough to eat and clothes on our backs.

Please call this number (565-3231) and ask for Raol who will arrange for you to meet me and give a $250.00 donation. Please help as I am your son in need.

Love,

Jeremy

SYNOPSIS OF KEY PRINCIPLES OF THE NEW FAMILY GUIDE TO LIGHT AND TRUTH

Note to the Uninitiated: The complete New Family Guide to Light and Truth, which contains all of the sacred truths of our religion, cannot be correctly read and interpreted by anyone who has not been designated a True Believer by the Father of the New Family. In order that the Uninitiated and other non-believers may receive some instruction in the truth, Father Solomon has prepared this synopsis, written in a way to make the key principles clear to all.

1. What is the New Family?

The New Family is the ultimate means to the perfection and salvation of all people. The Church of the New Family has two clear goals: (1) to convert all people to join the Family; (2) to lead its members to the ultimate achievement of spiritual unity, which is the last stage before the perfection and salvation of all people.

2. Why has the New Family appeared so recently?

The Father of the New Family has waited for the right moment all his life. Only recently did Father Solomon receive his instructions in a vision. These instructions showed him the way to build the New Family. In the vision, Father Solomon saw clearly why the New Family is needed: the old institutions of society: the churches, the government, parents and schools, are no longer able to lead people to those depths of consciousness and holiness that must be achieved in order for all people to achieve spiritual unity.

3. Who is Father Solomon?

The Father of the New Family is Solomon, the wise and holy one, chosen to convert the world to the truth of the way of the New Family, and to lead his children along the narrow path of inner consciousness and holiness toward the goal of spiritual unity of all people.

4. How does the New Family seek to achieve its goals?

The New Family can only achieve its goals by the maintenance of the strictest physical, mental, and spiritual discipline among its members. The world long ago collapsed under the pressures of Satan's temptations of individual achievement of comfort, material gain, food, etc. These concerns corrupted the world and its institutions. We must purge our new members of their evil appetites before they can even begin to join our quest for spiritual unity. In addition to the conditioning of our new members through a strict routine of fasting, prayer, sexual abstainance and lectures of the Light, we always seek to convert other people to our truths.

5. Who are the enemies of the New Family?

The enemies of the New Family are the satanic forces who are trying to stop us. These forces take the shape of courts, parents, police, and particularly persons called "deprogrammers," who try to brainwash the children of the New Family into the abandonment of their beliefs. Our children are trained to be on guard against the wiles of our enemies.

6. What is the Creed of the New Family?

The New Family asks all of its children to swear to the following:

"(1) I believe that the New Family is the ultimate means to the salvation and perfection of all people;

(2) I believe that Father Solomon is truly our father on earth, chosen to convert the world;

(3) I renounce my prior evil life, and all of my evil acquaintances, and will work particularly to convert my family from the influence of Satan;

(4) I pledge all of my possessions, money and materials to the Church of the New Family to enable it to provide for all its children; I pledge further that any money I might take in the course of my life will be immediately turned over to Father Solomon; nothing belongs to me; all belongs to the Family."

MOCK TRIAL COMPETITION SIMPLIFIED RULES OF EVIDENCE

In American trials elaborate rules are used to regulate the admission of proof (i.e., oral or physical evidence). These rules are designed to ensure that both parties receive a fair hearing and to exclude any evidence deemed irrelevant, incompetant, untrustworthy, or unduly prejudicial. If it appears that a rule of evidence is being violated, an attorney may raise an objection to the judge. The judge then decides whether the rule has been violated and whether the evidence must be excluded from the record of the trial.

Formal rules of evidence are quite complicated and differ depending on the court where the trial occurs. For purposes of this mock trial competition, the rules of evidence have been modified and simplified below.

A. Witness Examination

1. Direct examination (attorneys call and question witnesses)

   a. Form of questions: Witnesses may not be asked leading questions by the attorney who calls them. A leading questions is one that suggests to the witness the answer desired by the examiner, and often suggests a "yes" or "no" answer. Direct questions generally are phrased to evoke a narrative answer.

      Example of a direct question: "Mr. Patterson, prior to today, have you ever met the subject of this petition, Jeremiah Winstead?"

      Example of a leading question: "Mr. Patterson, isn't it true that you kidnapped Jeremiah at the Hot Shoppes on New York Avenue?"

   b. Scope of witness examination: (limited by rules of evidence explained in Part B.3.).

   c. Character: For mock trial purposes, evidence about the character of a party may not be introduced unless the person's character is an issue in the case. For example, whether one spouse has been unfaithful to another is a relevant issue in a civil trial for divorce, but is not an issue in a criminal trial for larceny. Similarly, a person's violent temper may be relevant in a criminal trial for assault, but is not an issue in a civil trial for breach of contract.

2. Cross-examination (questioning of the other side's witnesses)

a. Form of questions: An attorney may ask leading questions when cross-examining the opponent's witnesses. Questions tending to evoke a narrative answer should be avoided.

Example of a leading question: "Mrs. Winstead, isn't it true that your son chose of his own free will to join the New Family?"

b. Scope of witness examination: Attorneys may only ask questions that relate to matters brought out by the other side on direct examination, or to matters relating to the credibility of the witness. This includes facts and statements made by the witness for the opposing party (as well as expert opinions rendered under the rules set forth in Part B.2.).

Example: If the plaintiff in a car accident case never mentions damages to the car, then the defense cannot ask questions on cross-examination about the repair costs.

c. Impeachment: An attorney may impeach the credibility of the opponent's witnesses; this can be done either by cross-examination or introduction of evidence. Impeachment may also be accomplished by asking about prior conduct that makes the witness' truth-telling ability doubtful, and about evidence of a prior conviction if fairly recent.

Example (Prior Conduct): "Is it true that recently you were fired from your job as a bank teller because you were embezzling cash?"

Example (Past Conviction): "Is it true that you were convicted of the crime of grand larceny by a court of law on June 13, 1976?"

(NOTE: This type of question is only asked when the questioning attorney has information that indicates that the conduct actually happened.)

3. Re-direct examination

If the credibility or reputation for truthfulness of the witness has been attacked on cross examination, the attorney whose witness has been damaged may wish to ask several more questions. These questions should be limited to the damage

the attorney thinks has been done and should be phrased so as to try to "save" the witness' truth-telling image in the eyes of the court. Re-direct examination is usually limited to issues raised by the attorney on cross-examination.

B. Additional Rules of Evidence

1. Hearsay

Any evidence of a statement made by someone who is not present in the court which is offered to prove the truth of a fact, a piece of evidence or any witness' testimony is hearsay and not permitted.

Example: Mr. Patterson while on the stand says, "I heard a member of the New Family say that Solomon was a fraud."

Though hearsay is not usually allowed at a trial, a judge may sometimes allow it if:

(a) it was said by a party in the case and contains evidence which goes against their side (e.g. in a murder case, the defendant told someone he committed the murder) (sometimes called "Admission against Interest" Exception);

(b) a person's state of mind is an important part of the case and the hearsay consists of evidence of what someone said which described that person's state of mind (sometimes called "State of Mind" Exception).

2. Witness opinions

As a general rule, witnesses may not give opinions on questions that require special knowledge or qualifications, unless they are qualified as "experts." Non-expert witnesses may give opinions as to what they saw and heard, if related to the facts in issue and helpful in explaining their story. An expert may be called as a witness to render an opinion based on professional experience. An expert must be qualified by the attorney for the party for which the expert is testifying; this means that before an expert witness can be asked an expert opinion, the questioning attorney must bring out the expert's qualifications and experience.

3. Relevance of Evidence

Generally, only relevant testimony and evidence may be presented. This means that the only physical evidence and testimony allowed is that which tends to make a fact which is important ot the case more or less probable than the fact would be without the evidence. However, if the relevant evidence is unfairly prejudicial, may confuse the issues, or is

a waste of time, it may be excluded by the court. This may include testimony, pieces of evidence and demonstrations that have no direct bearing on the issues of the case, and have nothing to do with making the issues clearer.

Example: The defense asks Mrs. Winstead on cross-examination, "How old are you?" [This question is permitted only if her age is relevant to the case.]

4. Introduction of physical evidence

There is a special procedure for introducing physical evidence during a trial. The physical evidence must be relevant to the case and the attorney must be prepared to defend its use on that basis. Below are the basic steps to use when introducing a physical object or document into evidence in a court.

a. "I ask that this letter be marked for identification as plaintiff's Exhibit A." (Show letter and hand to bailiff for marking.)

b. (Show letter to opposing counsel, who may make an objection to the offering at this time.)

c. (Show letter to witness.) "Mr. Thomas, do you recognize this document which is marked Plaintiff's Exhibit A for identification?" (The witness explains what it is.)

d. "Your honor, I offer this letter for admission into evidence as Plaintiff's Exhibit A, and ask the court to so admit it."

e. (Get ruling from court on admission and proceed to use the letter.)

C. Objections

An attorney can object any time the opposing attorneys have violated the rules of evidence. The attorney wishing to object must do it at the time of the violation. Objections, and arguments in support of or opposing objections, are made to the judge. The judge decides whether a question or answer must be discarded because it has violated a rule of evidence (objection sustained), or whether to allow the question or answer to remain on the trial record (objection overruled).

Following are standard objections:

1. Irrelevant evidence: "I object, your honor. The evidence/testimony is irrelevant to the facts of this case."

2. Leading questions: "Objection. Counsel is leading the witness." (Remember, only objectionable when on direct examination.)

3. Improper character testimony:

   a. "Objection. The witness' character or reputation has not been put in issue."

   b. "Objection. Only the witness' reputation/character for truthfulness is at issue here."

4. Beyond the scope of direct examination: "Objection. Counsel is asking the witness about matters that did not come up in direct examination."

4. Hearsay: "Objection. Counsel's question/the witness' answer is based on hearsay." (If the witness makes a hearsay statement, the attorney should also say, "and I ask that the statement be stricken from the record.")

5. Opinion: "Objection. Counsel is asking the witness to given an opinion."

WISCONSIN v. YODER

406 U.S. 205, 92 S.Ct. 1526, 32 L.Ed.2d 15 (1972).

Certiorari to the Supreme Court of Wisconsin.

Mr. Chief Justice BURGER delivered the opinion of the Court.

[We granted certiorari] to review a decision of the Wisconsin Supreme Court holding that respondents' convictions of violating the State's compulsory school-attendance law were invalid under the Free Exercise Clause. [We affirm.]

Respondents Jonas Yoder and Wallace Miller are members of the Old Order Amish Religion, and respondent Adin Yutzy is a member of the Conservative Amish Mennonite Church. . . . Wisconsin's compulsory school attendance law required them to cause their children to attend public or private school until reaching age 16 but the respondents declined to send their children, ages 14 and 15, to public school after they completed the eighth grade. [Respondents were convicted under the compulsory attendance law and were fined $5 each.] Trial testimony showed that they believed that by sending their children to high school, they [would] endanger their own salvation and that of their children. The State stipulated that respondents' religious beliefs were sincere. . . .

Formal high school education beyond the eighth grade is contrary to Amish beliefs, not only because it places Amish children in an environment hostile to Amish beliefs with increasing emphasis on competition in class work and sports and with pressure to conform to the styles, manners, and ways of the peer group, but also because it takes them away from their community, physically and emotionally, during the crucial and formative adolescent period of life. During this period, the children must acquire Amish attitudes favoring manual work and self-reliance and the specific skills needed to perform the adult role of an Amish farmer or housewife. . . .

[An expert] testified that compulsory high school attendance could not only result in great psychological harm to Amish children, because of the conflicts it would produce, but would also, in his opinion, ultimately result in the destruction of the Old Order Amish church community as it exists in the United States today. The testimony of [another expert] also showed that the Amish succeed in preparing their high school age children to be productive members of the Amish community. [The] evidence also showed that the Amish have an excellent record as law-abiding and generally self-sufficient members of society. . . .

[A] State's interest in universal education, however highly we rank it, is not totally free from a balancing process when it impinges on fundamental rights and interests, such as those specifically protected by the Free Exercise Clause of the First Amendment, and the traditional interest of parents with respect to the religious upbringing of their children . . . . It follows that in order for Wisconsin to compel school attendance beyond the eighth grade against a claim that such attendance interferes with the practice

of a legitimate religious belief, it must appear either that the State does not deny the free exercise of religious belief by its requirement, or that there is a state interest of sufficient magnitude to override the interest claiming protection under the Free Exercise Clause. [O]nly those interests of the highest order and those not otherwise served can overbalance legitimate claims to the free exercise of religion. . . .

. . . In evaluating [respondents'] claims we must be careful to determine whether the Amish religious faith and their mode of life are, as they claim, inseparable and interdependent. A way of life, however virtuous and admirable, may not be interposed as a barrier to reasonable state regulation of education if it is based on purely secular considerations; to have the protection of the Religion Clauses, the claims must be rooted in religious belief. Although a determination of what is a "religious" belief or practice entitled to constitutional protection may present a most delicate question, the very concept of ordered liberty precludes allowing every person to make his own standards on matters of conduct in which society as a whole has important interests. Thus, if the Amish asserted their claims because of their subjective evaluation and rejection of the contemporary secular values accepted by the majority, much as Thoreau rejected the social values of his time and isolated himself at Walden Pond, their claim would not rest on a religious basis. Thoreau's choice was philosophical and personal rather than religious, and such belief does not rise to the demands of the Religion Clause.

Giving no weight to such secular considerations, however, we see that the record in this case abundantly supports the claim that the traditional way of life of the Amish is not merely a matter of personal preference, but one of deep religious conviction, shared by an organized group, and intimately related to daily living. That the Old Order Amish daily life and religious practice stem from their faith is shown by the fact that it is in response to their literal interpretation of the Biblical injunction from the Epistle of Paul to the Romans, "be not conformed to this world . . . ." This command is fundamental to the Amish faith. Moreover, for the Old Order Amish, religion is not simply a matter of theocratic belief. As the expert witnesses explained, the Old Order Amish religion pervades and determines virtually their entire way of life, regulating it with the detail of the Talmudic diet through the strictly enforced rules of the church community. . . .

The impact of the compulsory-attendance law on respondents' practice of the Amish religion is not only severe, but inescapable, for the Wisconsin law affirmatively compels them, under threat of criminal sanction, to perform acts undeniably at odds with fundamental tenets of their religious beliefs. See [Braunfeld]. Nor is the impact of the compulsory-attendance law confined to grave interference with important Amish religious tenets from a subjective point of view. It carries with it precisely the kind of objective danger to the free exercise of religion which the First Amendment was designed to prevent. [It raises] a very real threat of undermining the Amish community

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and religious practice as they exist today, they must either abandon belief and be assimilated into society at large, or be forced to migrate to some other and more tolerant region. [In sum], enforcement of the State's requirement of compulsory formal education after the eighth grade would gravely endanger if not destroy the free exercise of respondents' religious beliefs.

. . . [The State does not challenge] the claim that the Amish mode of life and education is inseparable from and a part of the basic tenets of their religion—indeed, as much a part of their religious belief and practices as baptism, the confessional, or a sabbath may be for others. The Court must not ignore the danger that an exception from a general obligation of citizenship on religious grounds may run afoul of the Establishment Clause, but that danger cannot be allowed to prevent any exception no matter how vital it may be to the protection of values promoted by the right of free exercise. . . .

The State advances two primary arguments in support of its system of compulsory education. It notes, as Thomas Jefferson pointed out early in our history, that some degree of education is necessary to prepare citizens to participate effectively and intelligently in our open political system if we are to preserve freedom and independence. Further, education prepares individuals to be self-reliant and self-sufficient participants in society. We accept these propositions.

However, the evidence adduced by the Amish in this case is persuasively to the effect that an additional one or two years of formal high school for Amish children in place of their long-established program of informal vocational education would do little to serve those interests. . . . It is one thing to say that compulsory education for a year or two beyond the eighth grade may be necessary when its goal is the preparation of the child for life in modern society as the majority live, but it is quite another if the goal of education be viewed as the preparation of the child for life in the separated agrarian community that is the keystone of the Amish faith.

The State attacks respondents' position as one fostering "ignorance" from which the child must be protected by the State. [But] this record strongly shows that the Amish community has been a highly successful social unit within our society, even if apart from the conventional "mainstream." Its members are productive and very law-abiding members of society; they reject public welfare in any of its usual modern views. The Congress itself recognized their self-sufficiency by authorizing exemption of such groups as the Amish from the obligation to pay social security taxes.[1] A way of life that is odd or even erratic but interferes with no rights or interests of others is not to be condemned because it is different.

The State, however, supports its interest in providing an additional one or two years of compulsory high school education to Amish children because of the possibility that some such children will choose to leave the Amish community, and that if this occurs they will be ill-equipped for life. . . . However, on this record, that argument is highly speculative. . . .

Contrary to the suggestion [in Justice Douglas' dissent], our holding today in no degree depends on the assertion of the religious interest of the child as contrasted with that of the parents. It is the parents who are subject to prosecution here [and] it is their right of free exercise, not that of their children, that must determine Wisconsin's power to impose criminal penalties on the parent. The dissent argues that a child who expresses a desire to attend public high school in conflict with the wishes of his parents should not be prevented from doing so. There is no reason for the Court to consider that point since it is not an issue in the case. The children are not parties to this litigation. The State has at no point tried this case on the theory that respondents were preventing their children from attending school against their expressed desires, and indeed the record is to the contrary.[3] . . .

Our holding in no way determines the proper resolution of possible competing interests of parents, children, and the State in an appropriate state court proceeding in which the power of the State is asserted on the theory that Amish parents are preventing their minor children from attending high school despite their expressed desires to the contrary. Recognition of the claim of the State in such a proceeding would, of course, call into question traditional concepts of parental control over the religious upbringing and education of their minor children recognized in this Court's past decisions. It is clear that such an intrusion by a State into family decisions in the area of religious training would give rise to grave questions of religious freedom . . . . On this record we neither reach nor decide those issues.[3]

. . . It cannot be over-emphasized that we are not dealing with a way of life and mode of education by a group claiming to have recently discovered some "progressive" or more enlightened process for rearing children for modern life. [In light of the "convincing showing" by the Amish here,] one that probably few other religious groups or sects could make, and weighing the minimal difference between what the State would require and what the Amish already accept, it was incumbent on the State to show with more particularity how its admittedly strong interest in compulsory education would be adversely affected by granting an exemption to the Amish. Sherbert v. Verner. . . .[4]

Affirmed.

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UNITED STATES of America
v.
Judith H. KUCH.
Crim. No. 1473–67.

United States District Court
District of Columbia.
July 1, 1968.

OPINION

GESELL, District Judge.

Judith H. Kuch, who avers she is an ordained minister of the Neo-American Church", stands indicted in a seven-count ndictment for unlawfully obtaining and ransferring marihuana and for the unawful sale, delivery and possession of SD. She moves to dismiss on several rounds. . . .

Defendant by her motions to dismiss ntends that the criminal penalties proided for violation of these Acts may not e applied as to her for several reasons elating in various ways to her basic ntention that the laws impinge on her nstitutional right in the free exercise her alleged religion. A hearing was eld and testimony and exhibits received support of Kuch's religious claims. he presented no subjective evidence as her individual beliefs but chose to rely n her office in the Church and proof s to the requirements and attitudes of ne Church as constituted. The Court as concluded that the facts and auhorities discussed below do not support er contentions for several separate and ndependent reasons.

The Neo-American Church was incorrated in California in 1965 as a nonrofit corporation. It claims a nationide membership of about 20,000. At s head is a Chief Boo Hoo. Defendant uch is the primate of the Potomac, a osition analogized to bishop. She supers the Boo Hoos in her area. There re some 300 Boo Hoos throughout the ountry. In order to join the church a ember must subscribe to the following rinciples:

"(1) Everyone has the right to expand his consciousness and stimulate visionary experience by whatever means he considers desirable and proper without interference from anyone;

"(2) The psychedelic substances, such as LSD, are the true Host of the Church, not drugs. They are sacramental foods, manifestations of the Grace of God, of the infinite imagination of the Self, and therefore belong to everyone;

"(3) We do not encourage the ingestion of psychedelics by those who are unprepared."

Building on the central thesis of the group that psychedelic substances, particularly marihuana and LSD, are the true Host, the Church specifies that "it is the Religious *duty* of all members to partake of the sacraments on regular occasions."

A Boo Hoo is "ordained" without any formal training. He guides members on psychedelic trips, acts as a counselor for individuals having a "spiritual crisis," administers drugs and interprets the Church to those interested. The Boo Hoo of the Georgetown area of Washington, D. C., testified that the Church was pantheistic and lacked a formal theology. Indeed, the church officially states in its so-called "Catechism and Handbook" that "it has never been our objective to add one more institutional substitute for individual virtue to the already crowded lists." In the same vein, this literature asserts "we have the *right* to practice our religion, even if we are a bunch of filthy, drunken bums." The members are instructed that anyone should be taken as a member "no matter what you suspect his motives to be."

[3] The dividing line between what is, and what is not, a religion is difficult to draw. The Supreme Court has given little guidance. Indeed, the Court appears to have avoided the problem with studied frequency in recent years.[4] Obviously this question is a matter of delicacy and courts must be ever careful not to permit their own moral and ethical standards to determine the religious implications of beliefs and practices of others. Religions now accepted were persecuted, unpopular and condemned at their inception.

[4, 5] Subtle and difficult though the inquiry may be, it should not be avoided for reasons of convenience. There is need to develop a sharper line of demarkation between religious activities and personal codes of conduct that lack spiritual import. Those who seek the constitutional protections for their participation in an establishment of religion and fre dom to practice its beliefs must not permitted the special freedoms this san tuary may provide merely by adoptir religious nomenclature and cynically u ing it as a shield to protect them wh participating in antisocial conduct th otherwise stands condemned. In a cor plex society where the requirements public safety, health and order must b recognized, those who seek immuni from these requirements on religiou grounds must at the very least demo strate adherence to ethical standar and a spiritual discipline.

While there may well be and probabl are some members of the Neo-America Church who have had mystical and eve religious experiences from the use c psychedelic drugs, there is little evidenc in this record to support the view th the Church and its members as a bod are motivated by or associated becaus of any common religious concern. Th fact that the use of drugs is found i some ancient and some modern recog nized religions is an obvious point th misses the mark. What is lacking i the proofs received as to the Neo-Amer can Church is any solid evidence of belief in a supreme being, a religiou discipline, a ritual, or tenets to guic one's daily existence.[5] It is clear th the desire to use drugs and to enjc drugs for their own sake, regardless religious experience, is the coagulant this organization and the reason for i existence.

Reading the so-called "Catechism ar Handbook" of the Church containing t pronouncements of the Chief Boo Ho one gains the inescapable impression th the membership is mocking establish institutions, playing with words a totally irreverent in any sense of t term. Each member carries a "marty dom record" to reflect his arrests. T Church symbol is a three-eyed toad. bulletin is the "Divine Toad Sweat The Church key is, of course, the bott opener. The official songs are "Pu the Magic Dragon" and "Row, Row, R Your Boat." In short, the "Catechis and Handbook" is full of goofy nonsen contradictions, and irreverent expr

4. United States v. Ballard, 322 U.S. 78, 86, 64 S.Ct. 882, 88 L.Ed. 1148 (1944); Davis v. Beason, 133 U.S. 333, 342, 10 S.Ct. 299, 33 L.Ed. 637 (1890); Minersville School District v. Gobitis, 310 U.S. 586, 60 S.Ct. 1010, 84 L.Ed. 1375 (1940); Fowler v. State of Rhode Island, 345 U.S. 67, 69, 73 S.Ct. 526, 97 L.Ed 828 (1953).

5. Fellowship of Humanity v. County Alameda, 153 Cal.App. 673, 315 P.2d 3 (1957); Washington Ethical Society District of Columbia, 101 U.S.App.D. 371, 249 F.2d 127 (1957).

sions. There is a conscious effort to assert in passing the attributes of religion but obviously only for tactical purposes. Constitutional principles are embraced wherever helpful to the cause but the effect of the "Catechism and Handbook" and other evidence as a whole is agnostic, showing no regard for a supreme being, law or civic responsibility.

The official seal of the Church is available on flags, pillow cases, shoulder patches, pill boxes, sweat shirts, rings, portable "communion sets" with chalice and cup, pipes for "sacramental use," and the like. The seal has the three-eyed toad in the center. The name of the Church is at the top of the seal and across the bottom is the Church motto: "Victory over Horseshit!". The Court finds this helpful in declining to rule that the Church is a religion within the meaning of the First Amendment. Obviously the structure of this so-called Church is such that mere membership in it or participation in its affairs does not constitute proof of the beliefs of any member, including Kuch. In short, she has totally failed in her burden to establish her alleged religious beliefs, an essential premise to any serious consideration of her motions to dismiss.

[7, 8] Assuming, however, that the Neo-American Church is a genuine religion and that Kuch subscribes fully to its doctrines and thus may invoke the full constitutional guarantees for free religious expression, her contentions are still without merit. The Constitution protects the right to have and to express beliefs. It does not blindly afford the same absolute protection to acts done in the name of or under the impetus of religion. Leary v. United States, 383 F.2d 851, 859 (5th Cir. 1967), rehearing denied, 392 F.2d 220 (1968), cert. granted, 392 U.S. 903, 88 S.Ct. 2058, 20 L. Ed.2d 1362 (June 10, 1968).

[9] The practices of the Neo-American Church involving the use, possession, transfer and sale of marihuana and LSD are contrary to the criminal law. Starting with an acceptance of Kuch's religious claim, it is necessary to determine whether the legislation under which defendant stands indicted unduly infringes her freedom to practice what she asserts are religious beliefs. Cantwell v. State of Connecticut, 310 U.S. 296, 60 S.Ct. 900, 84 L.Ed. 1213 (1940). As the Court has instructed in the flag salute cases, freedom of worship is "susceptible of restriction only to prevent grave and immediate danger to interests which the state may lawfully protect." West Virginia State Board of Education v. Barnette, 319 U.S. 624, 639, 63 S.Ct. 1178, 1186, 87 L.Ed. 1628 (1943). This is not a precise test and only recently has the Court sought to put flesh on the bones of this doctrine. It now appears from a reading of such cases as Braunfeld v. Brown, 366 U.S. 599, 81 S.Ct. 1144, 6 L.Ed.2d 563 (1961); Sherbert v. Verner, 374 U.S. 398, 83 S.Ct. 1790, 10 L.Ed.2d 965 (1963); and United States v. O'Brien, 391 U.S. 367, 88 S.Ct. 1673, 20 L.Ed.2d 672 (1968), that claims such as claims of religious exemption will be honored unless a substantial state interest will be frustrated in a significant way.

[10, 11] Defendant misconceives the Constitution and the decisions when she claims in effect an unbridled right to practice her beliefs. The public interest is paramount and if properly determined the Congress may inhibit or prevent acts as opposed to beliefs even where those acts are in accord with religious convictions or beliefs. If individual religious conviction permits one to act contrary to civic duty, public health and the criminal laws of the land, then the right to be let alone in one's belief with all the spiritual peace it guarantees would be destroyed in the resulting breakdown of society. There is abroad among some in the land today a view that the individual is free to do anything he wishes. A nihilistic, agnostic and anti-establishment attitude exists. These beliefs may be held. They may be expressed but where they are antithetical to the interests of others who are not of the same persuasion and contravene criminal statutes legitimately designed to protect society as a whole, such conduct should not find any constitutional sanctuary in the name of religion or otherwise.

Mormons were not permitted to practice polygamy.[6] Nor would the Constitution protect the practice of religions requiring infanticide, the killing of widows, or temple prostitution, as some religions have done in the past. The vital significance of the constitutional protection of religion will be diluted by a degree of tolerance that accepts the practice of acts which leave society helpless to protect itself.

Thus in summary the Court concludes that the motions to dismiss in all respects are denied. The Neo-American Church is not an establishment of religion and defendant Kuch has not sustained her burden of demonstrating that her religious beliefs require her to ingest psychedelic drugs. Accepting her contrary contentions on these issues, however, she still cannot prevail for the statutes under which she stands indicted are in aid of a substantial government interest and have a rational and constitutional basis. These laws, enacted to preserve public safety, health and order, will be enforced. On the proofs before the Court the statutes are unrelated to the suppression of religion or religious beliefs and there is no denial of defendant's rights under the Constitution of the United States.

6. Reynolds v. United States, 98 U.S. 145, 25 L.Ed. 244 (1878).

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